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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,152	03/27/2007	Hisao Tanaka	450106-05226	9468
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
01/04/2010				
EXAMINER				
DAZENSKI, MARC A				
ART UNIT		PAPER NUMBER		
2621				
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01/04/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/560,152

**Applicant(s)**

TANAKA ET AL.

**Examiner**

MARC DAZENSKI

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 September 2009 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 22 September 2009 have been fully considered but they are not persuasive.

On pages 8-9 of the remarks, Applicant argues, "nothing in Kikuchi et al shows, teaches, or suggests (a) each reproduction history information includes information about a type of reproduction method and (b) the types of reproduction methods includes at least a tape-like reproduction method, a clip designation reproduction method and an edit list designation reproduction method as claimed in claims 12-15." The examiner respectfully disagrees.

The examiner notes that a user can subdivide a title and specify a part of title (see column 11, lines 38-40). Further, if the user is a music fan they may record a program and specify a scene of a special song in the program as a part of title (see

column 11, lines 40-42). These subdivisions are recorded as interrupt information, and the player refers to this information as well as predetermined general parameters in order to change the operation (see column 12, lines 1-7). Therefore, there exists a case where a user specifies a part of title (which reads on the claimed, "clip designation reproduction method"), a case where a user records a program and specifies a scene ("an edit list designation reproduction method"), and a case where a user simply reproduces an existing program chain, provided by the software provided, without subdividing it (see column 8, line 65 through column 9, line 5). Because the cited sections of Kikuchi discloses all three of the claimed reproduction methods, the examiner maintains the original rejection.

On page 9 of the remarks, Applicant argues, "the part of the title that the interrupt occurs is not a type of reproduction method" and that "nothing in Kikuchi et al shows, teaches or suggests including information about a type of reproduction method..." The examiner points out that a careful reading of the limitations reveals that what is claimed is "information *about* a type of reproduction method," which implies that the information is merely in regards to or associated with the type of reproduction method. As PTT information is utilized in the reproduction of or associated with the type of reproduction method, the examiner maintains that PTT information is in fact "information *about* a type of reproduction method" and therefore maintains the original rejection.

A full rejection of the pending claims appears below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 12-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al (US Patent 6,532,334), hereinafter referred to as Kikuchi.

Regarding **claim 12**, Kikuchi discloses information reproducing system, information recording/reproducing system, and recording medium applicable to the system. Further, Kikuchi discloses a system which records and reproduces the digital moving-picture information on and from a disk, which reads on the claimed, "an information process apparatus that performs a record and reproduction process for data," as disclosed at column 12, lines 30-35 and exhibited in figure 15; the apparatus comprising:

utilizing playback control information (102) including a management information table `PLY_MAT` (122) as well as a program chain ("PGC") information table `PGCIT`, which are data necessary for playback, the data being recorded on optical disk (10) which has video data and audio data and other information, which reads on the claimed, "reproduction means for performing a reproduction process that reads and reproduces desired material data from a record medium according to the management information

file, the material data containing pictures and sound and the management information file managing a file of the material data being recorded on the record medium that is attachable and detachable to and from the information process apparatus," as disclosed at column 4, lines 33-35; column 8, lines 20-39; and exhibited in figures 1, and 3;

MPU of the microcomputer block (30) functioning as if it had a playback end information setting section (30A) by writing playback interrupt information table (124) into the disc, the table (124) including the title number of the title whose playback has been interrupted, the cell ID whose playback has been interrupted, and when the playback picture is a still picture, the time the still picture lasts and the remaining time of the still picture during the interruption of the playback are written, and further the elapsed time in reproducing a cell is written as interrupt information, which reads on the claimed, "generation means for generating reproduction history information about the reproduction process of the reproduction means, the reproduction history information composed of identification information of reproduced material data, information about a reproduction end position, and information about a type of reproduction method, wherein types of reproduction methods include at least a tape-like reproduction method that successively reproduces all clips recorded on the recording medium, a clip designation reproduction method that reproduces a designated clip, and an edit list designation reproduction method that reproduces a designated unit of an edit list," as disclosed at column 11, lines 24-67 (with particular emphasis on lines 24-34 and lines 44-48) and column 15, lines 5-8, as well as exhibited in figures 6 and 9;

the playback interrupt information table (124) having been provided as an independent file at the same level of hierarchy as that of the playback management table (122), which reads on the claimed, "record means for recording a list of the reproduction history information generated by the generation means as one file different from the management information file on the record medium," as disclosed at column 12, lines 1-16 (with particular emphasis on lines 9-12) and exhibited in figure 6;

MPU of the microcomputer block (30) functioning as if it had a playback end information takeout section (30B) for taking out playback end information, which reads on the claimed, "read means for reading the list of the reproduction history information recorded on the record medium by the record means," as disclosed at column 15, lines 5-15;

MPU of the microcomputer block (30) functioning as if it had a playback information resume specifying section (30C) for giving an instruction to resume playback using the playback information, which reads on the claimed, "reproduction command accepting means for accepting a reproduction command for the material data," as disclosed at column 15, lines 5-15; and,

after the DVD disk (10) has been loaded into the DVD recorder, when the playback is resumed by pressing the resume playback key, the playback interrupt information table is first read from the disk, and on the basis of the playback interrupt information in the playback interrupt information table, the video object is determined, and further the PGC number to be reproduced, cell number and VOB number are determined on the basis of the playback interrupt information in the playback interrupt

information table, which reads on the claimed, "reproduction control means for referencing the list of the reproduction history information read by the read means, specifying material data to be reproduced and a reproduction start position according to reproduction history information according to a reproduction method designated by the reproduction command accepted by the reproduction command accepting means, controlling the reproduction means, and starting the reproduction process from the reproduction start position of the specified material data," as disclosed at column 16, lines 46-58 and column 18, lines 30-45.

Regarding **claim 13**, the examiner maintains the claim is the corresponding method to the apparatus of claim 12, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Regarding **claim 14**, the examiner maintains the claim is the corresponding program executing the method of the method of claim 13, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 13 above.

Regarding **claim 15**, the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/  
Examiner, Art Unit 2621